



25 MAR 2008

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|                                      |   |             |
|--------------------------------------|---|-------------|
| In re Application of                 | : | DECISION ON |
| RESCONI et al.                       | : |             |
| Serial No.: 10/571,403               | : |             |
| PCT No.: PCT/EP04/08761              | : | PETITION    |
| Int. Filing Date: 04 August 2004     | : |             |
| Priority Date: 11 September 2003     | : |             |
| Attorney's Docket No.: FE 6128 (US)  | : |             |
| For: MULTISTEP PROCESS FOR PREPARING | : |             |
| HETEROPHASIC PROPYLENE COPOLYMERS    | : |             |

This decision is in response to applicant's "PETITION UNDER 37 CFR 1.53 TO CORRECT FILING RECEIPT", filed 25 January 2008. No petition fee is required.

### **BACKGROUND**

On 04 August 2004, applicant filed international application No. PCT/EP04/08761, which claimed a priority date of 11 September 2003 and which designated the United States. The deadline for payment of the basic national fee was to expire 30 months from the priority date, or on 11 March 2006.

On 10 March 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration executed in accord with PCT Rule 4.17.

On 28 August 2006, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

Thereafter, on 13 November 2006, a response to the Notification of Missing Requirements, including a copy of the executed declaration previously filed, was submitted. These papers were accorded a filing date of 13 November 2006. On 17 September 2007, a Notice of Acceptance was mailed to applicant indicating that the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date was 13 November 2006.

On 25 January 2008, applicant filed the present petition, which included a copy of the Customer Receipt of the "Express Mail" mailing label #EQ024623699US.

**DISCUSSION**

A review of the USPTO records and the application file reveals that applicant filed an executed declaration under PCT Rule 4.17 with the Request. A copy of the declaration and Request was filed in the USPTO with the national stage filing on 10 March 2006. The declaration is in compliance with 37 CFR 1.497(a) and (b).

**CONCLUSION**

Applicant's petition requesting that the declaration be accorded a receipt date of 10 March 2006 is **GRANTED**.

The 28 August 2006 Notification of Missing Requirements and 17 September 2007 Notice of Acceptance, indicating that the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date was 13 November 2006, are hereby **VACATED**.

The application is being returned to the DO/EO/US for processing in accordance with this decision, including issuance of a new Notice of Acceptance indicating that the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **10 March 2006 and a new filing receipt**.



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